

Service Date: July 9, 1990

FINAL ORDER NO. 6001

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	Docket No. T-9514
MOLERWAY FREIGHT LINES, INC.)	
for a Montana Intrastate Certificate)	Order No. 6001
of Public Convenience and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On February 5, 1990, Molerway Freight Lines, Inc., 1413 4th Avenue North, Billings, Montana 59101, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of general commodities between all points and places within the following counties: Fergus, Phillips, Judith Basin, Chouteau, and Blaine.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public March 7, 1990. That notice said in pertinent part:

If no written protests are received by March 27, 1990, a hearing may not be held and a final order may be issued in

this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Keller Transport, Inc., Billings, Montana; Bob's Pick Up and Delivery, Inc., Sidney, Montana; Black Hills Trucking, Inc., Casper, Wyoming; and Transit Homes of America, Inc., Billings, Montana.

4. Notice of Public Hearing was issued May 25, 1990, with hearing scheduled for June 19, 1990. Prior to that date, Applicant restrictively amended his application to prohibit the transportation of petroleum and petroleum products in bulk in tank vehicles, mobile homes, and Mercer type commodities.

5. All protests were subsequently withdrawn.

6. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the

authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 9th day of July, 1990, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9514, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of MOLERWAY FREIGHT LINES, INC., Billings , Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - General commodities, between all points and places within the following counties: Fergus, Phillips, Judith Basin, Chouteau, and Blaine.

Limitations: 1) Transportation of petroleum and petroleum products in bulk, in tank vehicles, is prohibited.
2) Transportation of mobile homes is prohibited.
3) Transportation of Mercer type commodities (as defined in T.E. Mercer and G.E. Mercer Extension - Oil Field Commodities, 74 MCC 459) is prohibited.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 9th day of July, 1990, by a vote of 5 - 0 .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

HOWARD L. ELLIS, Chairman

DANNY OBERG, Vice Chairman

JOHN B. DRISCOLL, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

REX MANUEL, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.